

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KEVIN CONCANNON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 NEBRASKA DEPARTMENT OF )  
 CORRECTIONS, et al., )  
 )  
 Defendants. )

4:14CV3173

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's correspondence dated July 9, 2015 (Filing No. [20](#)), which the court liberally construes as a motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41. Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the court to dismiss this action and Defendants have not been served with process. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for dismissal of this action (Filing No. [20](#)) is granted. Accordingly, this matter is dismissed without prejudice.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16<sup>th</sup> day of July, 2015.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

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